

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:22-CR-20306-DPG-2

UNITED STATES OF AMERICA

vs.

LUIS FERNANDO VUTEFF,

Defendant.

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ORDER

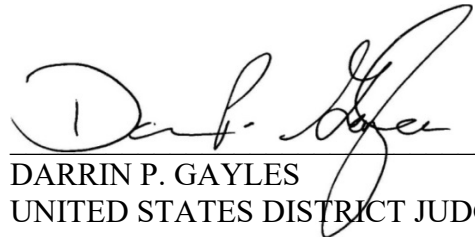
THIS CAUSE comes before the Court on Defendant Fernando Vuteff’s Objections to [Chief] Magistrate Judge Torres’ Order Granting Disqualification (D.E. 86) (the “Objections”). [ECF No. 90]. On October 24, 2022, the United States of America (the “Government”) filed its Motion to Disqualify Counsel Edward Robert Shohat and Jones Walker as to Defendant (the “Motion”). [ECF No. 37]. On November 1, 2022, this Court referred the Motion to Chief Magistrate Judge Edwin Torres for disposition. [ECF No. 41]. On June 27, 2023, Judge Torres entered an Order granting the Motion. [ECF No. 86]. The Court has considered the Objections, the Government’s response, the record, and the applicable law, and is otherwise fully advised.

A party may file an appeal detailing specific objections to a magistrate judge’s non-dispositive pretrial order. Upon review, the district court is required to consider the objections and must set aside any portion of the order found to be “clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a). “[A] finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Holton v. City of Thomasville Sch. Dist.*, 425 F.3d 1325, 1350 (11th Cir. 2005) (citation and internal quotation marks omitted). “A ruling is contrary to law if the magistrate judge

has misinterpreted or misapplied applicable law.” *Root ex rel. A.R. v. Dudek*, 151 F. Supp. 3d 1309, 1312 (S.D. Fla. 2015) (citation and internal quotation marks omitted). “In the absence of a legal error, a district court may reverse only if there was an ‘abuse of discretion’ by the magistrate judge.” *SEC v. Merkin*, 283 F.R.D. 699, 700 (S.D. Fla. 2012).

Having reviewed the Order for clear error of fact or law, the Court agrees with Judge Torres’ analysis and conclusion that the Government’s Motion should be granted. Accordingly, Fernando Vuteff’s Objections to [Chief] Magistrate Judge Torres’ Order Granting Disqualification (DE 86), [ECF No. 90], is **OVERRULED**; and Chief Magistrate Judge Torres’ Order on Motion to Disqualify Counsel Edward Robert Shohat and Jones Walker, [ECF No. 86], is **AFFIRMED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 5th day of December, 2023.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE